

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: JAMES ORENSTEIN
U.S. MAGISTRATE JUDGE

DATE: 04/05/07
TIME: 11:00 a.m.

3801 Beach Channel, Inc., et al. v. Yakov Shvartzman, et al.
CV 05-0207 (CBA) (JO)

TYPE OF CONFERENCE: Pretrial Conference

APPEARANCES: Plaintiffs Val Kleyman

Defendants Stephen Pergolizzi, Alexander Herman

SCHEDULING: There are no further conferences scheduled before me at this time.

THE FOLLOWING RULINGS WERE MADE: In light of the defendants' continued and deliberate failure to provide certain discovery – despite repeated, explicit orders that such discovery must be provided notwithstanding certain objections – and in light of the fact that the defendants were explicitly warned that such continued obstruction of the discovery process would result in a recommendation to strike the answer and deem the defendants in default, I will prepare a separate Report and Recommendation urging the court to impose such sanctions. If that recommendation is adopted, I will upon an appropriate referral afford the plaintiffs an opportunity to submit evidence supporting their claims for damages and thereafter recommend the extent of relief, if any, that the court should award on any causes of action that sufficiently assert a claim for relief (an assessment that will be informed by the arguments previously presented on the defendants' motion for dismissal). If the recommendation to strike the answer is rejected or modified, I will schedule further proceedings as appropriate.

SO ORDERED

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge